

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF THE
VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM, VILLAGE HALL,
ON WEDNESDAY, APRIL 5, 2000.**

DRAFT

Members Present: Peter Lilienfield, Chairman
William Hoffman
Jay Jenkins, Secretary
Allen Morris
Patrick Natarelli

Also Present: Lino J. Sciarretta, Village Counsel
Brenda Livingston & Joseph Elliot, Ad Hoc Planning Board
Members
Florence Costello, Planning Board Clerk
Mary Beth Dooley, Environmental Conservation Board
Applicants and other persons mentioned in these Minutes
Members of the Public.

IPB Matters

Considered: **94-03 -- Westwood Development Associates, Inc.**
Broadway, Riverview Road & Mountain Road
98-44 -- Ciccio & Chernick
Riverview Road
00-03 -- Robert Clivilles (Amendment)
Legend Hollow, 18 Manor Pond Lane, Lot #52
00-04 -- David Zwiebel (Amendment)
23 Matthiessen Park
00-10 -- Arthur & Sarah Chabon & Estate of E. Herkert
11 Meadowbrook Road
00-11 -- John & Nina Dawson
76 Hudson Avenue
00-12 -- Peter & Laura Lilienfield
14 Hillside Terrace
00-13 -- Gary & Lynn Raimondo
25 South Cottenet Street

The Chairman called the meeting to order at 8:00 p.m.

Administrative:

1. With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs.

Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees.

IPB Matter #98-44:

Application of Joseph & Denise Ciccio and Mitchell & Sheri Chernick for subdivision of property at Riverview Road.

Norman Sheer, Esq., attorney for the Applicant, appeared for the Applicant formally to commence the public hearing on this Application. Applicant provided evidence of the mailing of required Notice to Affected Property Owners. The Chairman opened the Public Hearing. Mr. Sheer reported that his discussions with Westwood Development Associates, Inc., about a potential link of the Applicants' property to the proposed Westwood sewer system were to date unsuccessful because of the cost Westwood proposed to charge (approximately \$120,000) for such link. Accordingly, the Applicant intends to continue to request approval of a septic system.

The Chairman reported that he has advised the Village Board of Trustees of the pending application and of the Planning Board's recommendation that the Board of Trustees de-map a portion of the Riverview Road paper street. The Chairman also referred to an opinion of Village Counsel that such de-mapping can be accomplished subject to procedures and a determination that each contiguous land owner is not denied access to their property. A copy of such opinion is incorporated by reference in to these Minutes. The Chairman intends to attend a work session of the Board of Trustees on April 11, 2000 to review this matter.

Two residents of Riverview Road noted objections if the ultimate subdivision results in a through street from the Westwood development, particularly because of the large number of children residing on Riverview Road. The Chairman assured them that all concerns will be considered during the public hearing. The public hearing was adjourned to the May 3, 2000 meeting of the Planning Board.

IPB Matter #2000-03:

Application of Robert Clivilles for Amendment of Plan as to which Waiver was previously granted at 18 Manor Pond Lane.

Craig A. Studer appeared for the Applicant and Mr. Martin Seminatore, owner of 16 Beckett Close, Lot #54, appeared for himself. The Applicant and Mr. Seminatore confirmed that they have reached agreement on the remedial work to be performed on Lot 54, as required by the Board's resolution adopted on February 16, 2000, and Mr. Seminatore submitted a letter to Village Counsel confirming such agreement, which letter is incorporated by reference herein. Mr. Studer submitted drawings incorporating all revisions as approved by the Board on February 16, 2000: Clivilles Residence, Lot #52, Modified Site Plan for Pool & Site Grading, dated 6/17/98 last revised 3/17/00, Illustrative Elevation and Cross-Section Detail, dated

1/3/00 last revised 2/16/00, Clivilles Residence Fence Detail, SK-1, dated 2/29/00, and Clivilles Residence Planting Plan, SK-2, dated 2/29/00 last revised 3/16/00.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

RESOLVED, that, subject to satisfaction in all respects of each of the conditions set forth in the immediately following resolutions, the Application of Robert Clivilles for Amended Site Plan Approval in respect of 18 Manor Pond Road, in accordance with the architectural drawings submitted by the Applicant (titled "Modified Site Plan for Pool and Site Grading" dated 7/1/98 last revised 3/17/00, and "Illustrative Elevation and Cross Section Detail" dated 1/3/00 last revised 2/16/00, prepared by Studer Design Associates and separate sheet labeled "Clivilles Residence Typical Fence and Concrete Footing Detail, dated 2/29/00), and incorporated herein by reference herein, is hereby approved to the end that all damages caused by Applicant beyond the previously approved limits of disturbance be rectified; and further

RESOLVED, that in no event shall the foregoing approval be of any force or effect unless and until (1) the Village Engineering Consultant shall have confirmed that he has no engineering concerns with the revised drawings, (2) the owner of 16 Beckett Close, Mr. Martin Seminatore, shall have confirmed in writing to the Planning Board, such writing to be in form and substance satisfactory to Village Counsel and such Board, that (x) he approves the revised drawings, together with any proposed landscaping as he and Applicant may hereafter deem necessary, (y) he authorizes the construction contemplated by such revised drawings to be undertaken by such contractor as Mr. Robert Clivilles may select, and (z) so long as construction is effected in accordance with the terms of such drawings, he accepts the remediation as approved by the Planning Board, and (3) a schedule of construction and inspection is finalized by and among the Applicant, the Village Building Inspector and the Village Engineering Consultant; and further

RESOLVED, that in no event may Applicant commence construction of the proposed pool, until the remediation work on 18 Manor Pond Lane, 16 Beckett Close and 17 Beckett Close (Setru) is completed in all material respects, as set forth in such revised drawings and as described in these Resolutions and the Village Building Inspector confirms in writing that construction of such pool may commence.

IPB Matter #94-03:

Application of Westwood Development Associates, Inc., for Limited Site Development Plan Approval for property at Broadway, Riverview Road and Mountain Road.

Charles Pateman appeared for the Applicant. The proceeding was a continuation of the Public Hearing on the Westwood Development project, although no transcript was prepared at

Mr. Pateman's request due to the anticipated short duration of the meeting. Mr. Pateman presented an Affidavit of Mailing/Publication for the Notice of Public Hearing. Mr. Pateman confirmed that the Applicant is preparing revised drawings with appropriate engineering details. The Chairman reported that the Board has requested input from the Board of Trustees on the Application and read a letter to the Board of Trustees dated March 6, 2000, a copy of which is incorporated by reference herein.

The public hearing was continued to the Board's May 3, 2000 meeting.

IPB Matter #2000-10:

Application of Arthur & Sarah Chabon and The Estate of Eleonore Herkert for Waiver of Site Development Plan Approval for property at 11 Meadowbrook Road.

Arthur Chabon appeared for himself and the Estate. The Application relates to the proposed addition of a second floor of 1210 square feet and an unfinished attic of approximately 350 square feet. Plans entitled Chabon Residence, 11 Meadowbrook Road by Arthur Chabon dated March 2, 2000 (7 sheets) were submitted. There is no change to the setbacks. Mr. Mastromonaco had no engineering concerns other than the applicant and the Building Inspector be aware of the height limitations contained in Section 705.2 of the NYCRR. There were no public comments. The Board noted that the Building Inspector must confirm the calculation of the height of the proposed work to assure compliance with applicable statutes.

After discussion, a motion duly made, seconded and unanimously approved, the Board then adopted the following resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application, subject in all events to

confirmation by the Building Inspector of compliance with all statutes dealing with height limitations.

IPB Matter #2000-11:

Application of John & Nina Dawson for Waiver of Site Development Plan Approval for property at 76 Hudson Avenue.

Matthew Behrens, Architect, appeared for the Applicant. The Application relates to the proposed one-story addition to an existing residence for a kitchen of approximately 480 square feet, with an increase in the footprint of 5%. Plans entitled Dawson Residence, 76 Hudson Avenue by Matthew Behrens dated March 17, 2000 (3 sheets) were submitted. Mr. Mastromonaco had no engineering concerns. There were no public comments. The Board noted that a variance of the setback requirements from the Zoning Board of Appeals may be necessary.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application, subject in all events to receipt by Applicant of a variance that may be required from the Zoning Board of Appeals.

IPB Matter #2000-13:

Application of Gary & Lynn Raimondo for Waiver of Site Development Plan Approval for property at 25 South Cottenet Street.

Earl E. Ferguson appeared for the Applicant. The Application relates to the construction of an additional story within the existing footprint of a house on South Cottenet Street. The Board previously granted Site Development Plan Approval for this Application (IPB Matter #2000-07) on February 9, 2000, subject to issuance of appropriate variances by the Zoning Board of Appeals; in a letter dated March 1, 2000, the ZBA denied the variance. The Applicant submitted revised drawings, Raimondo Residence, 25 South Cottenet Street by Earl Everett Ferguson, dated March 22, 2000 (6 sheets), that reduced the proposed construction by 360 square feet and modified the new floor to be added so that it meets the definition of a 1/2 story as contained in the Village Code. The Applicant argued that these modifications eliminated the need for a variance, as the proposal no longer exceeded the height restriction. Mr. Mastromonaco raised no engineering concerns other than reference to the height limitations contained in Section 705.2 of the NYCRR. There were no comments from the public. Mr. Natarelli raised the issue of whether the revised application was inconsistent with the ZBA's rationale for denial of the variance, namely the impact of the modification on the remainder of the neighborhood and the Village. Applicant submitted letters in support of the Application from neighbors, which letters are made a part of these Minutes.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan Submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application, subject in all events to confirmation by the Building Inspector of compliance with all statutes dealing with height limitations.

IPB Matter #2000-04:

Application of David Zwiebel for Amendment of Plan for which Waiver of Site Development Plan Approval had been granted for property at 23 Matthiessen Park.

Earl E. Ferguson appeared for the Applicant. The Application relates to the proposed removal of a single family raised ranch on the property and construction of a single family residence for which a Waiver of Site Development Plan Approval had been granted by the Board. The Amendment requests a reduction in the size of the proposed residence and elimination of a retaining wall, with no other changes to the plan. The proposed reduction would increase the rear yard and the distance to the easement serving the neighboring property. Plans entitled Zwiebel Residence, 23 Matthiessen Park by Earl Everett Ferguson dated March 22, 1999 (8 sheets) with Site Plans by Imbiano-Quigley dated March 22, 2000 (7 sheets) were submitted. On advice of Village Counsel that a new Application was not required, the Board, after discussion, on motion duly made, seconded and unanimously approved, approved the Amendment of Plan submitted by Applicant, subject to the terms of the previously granted Waiver.

IPB Matter #2000-12:

**Application of Peter & Laura Lilienfield for
Waiver of Site Development Plan Approval for
property at 14 Hillside Terrace.**

Christina Griffin appeared for the Applicant. The Chairman recused himself from any consideration of this Application; Mr. Hoffman acted as Chairman in his place. The Application relates to the proposed construction of a two-story addition to a single family residence for a kitchen and master bedroom suite of approximately 633 square feet in total. This is for an increase to the existing footprint within the side yard setback, and accordingly, a variance from the Zoning Board of Appeals may be required. Mr. Mastromonaco had no engineering concerns. There were no public comments.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington or of any Local Law adopting or amending any of

said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application, subject in all events to receipt by Applicant of all variances that may be required from the Zoning Board of Appeals.

- The next regular meeting of the Planning Board was scheduled for May 3, 2000.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Jay Jenkins, Secretary